

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **Maurer et al.**

Application Serial No.: **Filed Concurrently Herewith**

Group Art Unit: **Not Assigned**

Filed: **Filed Concurrently Herewith**

Examiner: **Not Assigned**

For: ***Fenretinide Composition with Increased Bioavailability and Ease of Administration***

Date: January 29, 2004

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Sir:

Attached is a list of documents on Form PTO-1449, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with the waiver by the U.S. Patent and Trademark Office of requirements under 37 C.F.R. § 1.98(a)(2)(i) for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003.

It is requested that these documents be considered by the Examiner and officially made of record in accordance with the provisions of 37 C.F.R. § 1.56 and Section 609 of the MPEP. No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

  
Kenneth D. Sibley

Registration No. 31,665

Myers Bigel Sibley & Sajovec, P.A.

P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

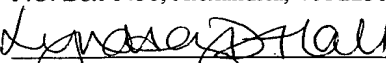
Facsimile: (919) 854-1401

Customer No. 20792

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number: EV 381447871 US  
Date of Deposit: January 29, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mailstop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Lyndsey D. Hall, CP  
Certified Paralegal

Substitute form 1449A/PTO		<b>Complete if Known</b>			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	Filed Concurrently Herewith		
		Filing Date	January 29, 2004		
		First Named Inventor	Maurer et al.		
		Group Art Unit	Not Yet Assigned		
		Examiner Name	Not Yet Assigned		
Sheet	1	of	1	Attorney Docket Number	9022-41

U.S. PATENTS AND PATENT PUBLICATIONS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
	1.	4,874,795		David W. Yesair	10-17-1989
	2.	5,891,466		David W. Yesair	04-06-1999
	3.	5,972,911		David W. Yesair	10-26-1999
	4.	6,368,831		Maurer et al.	04-09-2002

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T
		Office	Number	Kind Code (if known)			
	5.	PCT	WO 02/058689		Childrens Hospital Los Angeles	08-01-2002	
	6.	PCT	WO 03/031593	A2	Biomolecular Products, Inc.	04-17-2003	
	7.	PCT	WO 03/031593	A3	Biomolecular Products, Inc.	04-17-2003	

OTHER NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T	
	8.	REYNOLDS ET AL., <i>Retinoic-Acid-Resistant Neuroblastoma Cell Lines Show Altered MYC Regulation and High Sensitivity to Fenretinide</i> , Medical and Pediatric Oncology, 35:597-602 (2000)		
	9.	LEPAGE ET AL., <i>Effect of an Organized Lipid Matrix on Lipid Absorption and Clinical Outcomes in Patients with Cystic Fibrosis</i> , J. Pediatr., 141:178-85 (2002)		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.